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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,898	06/28/2000	Jay S. Walker	99-112	6292

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EXAMINER	
DURAN, ARTHUR D	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/604,898	WALKER ET AL.	
	Examiner	Art Unit	
	Arthur Duran	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *139-300* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *139-300* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 139-300 have been examined.

Response to Amendment

2. The Amendment filed on 9/25/2006 is insufficient to overcome the prior rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 139-300 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier (5,871,398) in view of Sullivan (6,663,105).

The combination of Schneier and Sullivan renders obvious purchasing a plurality of unlock codes, each unlock code being associated with an identifier that identifies a respective lottery outcome;

determining that a user has satisfied a qualifying action that is associated with a retailer;

receiving, by a device of the retailer from a device of a user, an identifier that identities a lottery outcome that is locked;

determining an unlock code of the plurality of purchased unlock codes based

on the received identifier that identifies the lottery outcome that is locked; and

providing the determined unlock code to the user.

Schneier discloses a lottery or prizes with outcome identifier, validation codes, and benefits (Fig. 1, 3, 6, 7, 9, 12; and below):

"An off-line remote lottery system which enables players to purchase instant-type lottery game outcomes from a randomized prize data stream in a central computer, and view the outcomes on remotely disposed gaming computers which do not require an on-line connection during play (Abstract).

(4) In one specific embodiment of prior art paper instant ticket systems, ticket outcomes are generated by the computer tapes that control printing of the tickets. These tapes contain each outcome for any given run of tickets. The outcomes are created using essentially similar methods throughout the industry. For example, a run of 24 million tickets that has 120 top payouts of $10,000 and a payout percentage of 55%, may be broken up into 100 blocks of 240,000 tickets each. The $10,000 winners will be distributed as evenly as possible among the 100 blocks, so there will be at least one top prize in each block, with 20 blocks having two top prizes. The 80 blocks without the two top prizes will be compensated by offering more low and mid-tier prizes, so that the payout percentage is exactly 55% for each 240,000 ticket block. Each of these 240,000 ticket blocks is broken up into books of tickets, typically 200 to 400 tickets per book. Tickets are delivered to retailers in book units, where each ticket has two identifying numbers, a book/ticket number and a

validation number. The book/ticket number is usually printed on the back of the ticket. An exemplary book ticket number is "089-46127-234." The "089" identifies the game, in this case a State.times.$3 "Win for Life." The "46127" is the book number, which in this case means that this ticket is from book number 46127. The "234" identifies this ticket as the 234th ticket from this book. The validation number is printed under the latex surface on the front of the ticket. This number is the key to determining whether or not the ticket is a winner. When a winning ticket is presented for prize redemption, the retailer types this number into an agent terminal, from which access to a central database of instant tickets provided by the ticket printer is obtained to search the record of outcomes for that run of tickets. This database resides in a separate computer at the main computer center of the online service provider (such as GTECH) (col 1, line 40-col 2, line 10).

(5) To prevent fraud, the validation number cannot be seen without scratching off the latex covering material. If the validation number were visible without requiring that the latex be removed first, retailers could check whether or not each ticket was a winner, and then keep winning tickets for themselves, selling only the losing tickets to customers. In this connection, the validation number is typically comprised of nine (9) digits. An illustrative validation number for the above "Win for Life" ticket is: 71069-7041. This number singularly identifies this ticket from the millions of tickets that are printed for that game. It is important to note that this number is encoded and not in

sequential order. If the latter was the case, retailers could buy one ticket for themselves and check its validation number. They could then enter the next ten validation numbers into the online system to determine whether any were winners. Again, customers might be sold the losing tickets while the retailer kept the winners. Encryption prevents this, because knowing one validation number provides the retailer with no information about the next number "(col 2, line 10-30).

Schneier further discloses validation the outcome or lottery:

"(8) To redeem a winning paper lottery ticket, the player presents the same to a redeeming agent, either at a lottery retailer or lottery office, or mails the ticket in for redemption. To effectuate the redemption process, the redeeming agent scans the bar code on the ticket which represents the batch serial number on the ticket through a bar code scanner associated with the agent terminal. The ticket agent also enters the ticket serial number into the agent terminal. These ticket serial numbers are transmitted to the central management computer for purposes of validation. When the central management computer receives a validation request, it activates an on-line validation program which queries a ticket value database using the particular ticket and batch serial numbers to confirm that the ticket came from an activated master carton. If the ticket value database confirms a payout, the validation program authorizes the lottery retailer to pay the player cash or provide another prize (e.g., a free ticket)" (col 3, lines 10-27).

Schneier further discloses an authorization message/code:

"(16) In another aspect of the invention, the invention includes a method for

enabling games of skill for prizes on at least one remote game computer, where each game has at least one correct solution and where a central authority having an associated central management computer authorizes players to play the games on the game computer, the players' solutions to which are verified by the central authority, wherein the method includes the steps of (a) identifying the game computer to the central management computer; (b) requesting a number of game authorizations from the central management computer; (c) the central management computer generating a count of authorized games of skill, and forming an authenticatable game authorization message representing the game authorizations; (d) communicating the authenticatable game authorization message to the game computer after payment authorization for the authorized games by the player; and (e) the game computer authenticating the authenticatable game authorization message and, if authenticated, allowing the game computer to play a number of games of skill represented in the authenticatable game authorization message"(col 4, line 65-col 5, line 20).

Schneier further disclose selling tickets:

"(2) With reference to the several views of the drawings, there is depicted an off-line system for playing games of skill and games of chance, including lottery games, generally characterized in a first embodiment by the reference numeral 10, and principally comprised of a managing authority 11 having a central management computer CMC 12, a telecommunications network 14 which provides remote terminal access to the CMC 12, a plurality of agent terminals

(AT) 16 associated with various retailers 18, and a plurality of HTV units 20 which enable game play. The term "managing authority" is used in the general sense and is intended to include any central authority, including any agents thereof which oversees and administers tournaments of skill and/or any wagering authority which sells no choice (e.g., scratch-off lottery tickets, bingo or a sweepstakes) or pseudo-choice (e.g., video poker) games or races of skill having a known correct solution if the player plays correctly. The term "retailers" includes any participating merchant where an AT 16 is located" (col 5, line 55-col 6, line 10) .

Schneier further discloses a sequence variable code for redemption:

"(5) FIG. 2 is a block diagram showing details of the CMC 12, which generally includes a CPU 30, memory 32, an I/O interface 34 for loading programs into memory 32, and a communications interface 35 for communicating through the network 14 with the ATs 16. The CMC 12 may also communicate through a base station network 15 with a plurality of base stations having transceivers for broadcasting and receiving RF signals to communicate messages directly between the CMC 12 and the HTV 20 in an alternative embodiment described below and illustrated in FIG. 13. The CMC has software or firmware (hereinafter referred to as "programs or routines" and "data") which are used to implement various functions in the system. FIG. 3 depicts an exemplary memory arrangement of programs and data stored in the CMC 12. Memory 32 includes an operating system 33 which controls the CMC 12 in a conventional manner and need not be described

in detail. In the illustrative embodiment, the CMC 12 has a memory area or database 36 in memory 32 for each HTV 20 in which specific information is stored to enable the CMC 12 to assign outcomes/game authorizations to that HTV 20 and to keep track of what has been assigned to that HTV 20 to provide for the redemption of winnings and to ensure that the HTV 20 is a verified unit in connection with a given transaction. Data in memory 36 may be retrieved and updated as required in order to perform the desired functions. For purposes of convenience, the following description is directed to an HTV which is registered to a single player. However, it is anticipated that an HTV 20 may contain multiple accounts for different players where access to the HTV 20 is made available through different passwords. An HTV 20 must be initially registered with the managing authority 11 prior to use. In this connection, identification information is initially stored in memory 32 of the CMC 12. The identification information includes a unique unit identifier or HTV ID ("ID") stored in a field 37 and, optionally, a chaining or sequence variable ("SV") stored in a field 38. The SV may constitute a 64-bit identifier which is unique to each HTV 20. Similarly, the SV may constitute a 64-bit representation of the history of outcomes/game authorizations which have been purchased and transferred to the particular HTV 20. Accordingly, SV is updated in accordance with some predetermined protocol, such as for example, every time purchased outcomes/game authorizations are assigned to the particular HTV 20 as a one-way function of the outcomes/game authorizations purchased. Thus, the SV

is unique to each HTV 20 because it is a record of all transactions at any point in time with respect to that HTV 20. In an exemplary embodiment, the SV is used as a way to prevent fraud by uniquely identifying the particular HTV 20 as a function of both I and SV during purchase and/or redemption transactions. The particular protocols are discussed in more detail below" (col 6, line 52-col 7, line 37).

Schneier further discloses various validation codes and procedures:

"(7) The present invention employs various cryptographic protocols to prevent fraud, specifically to preclude players from cheating the system by making up prize redemption codes. In this regard, purchased outcomes/authorized games may be represented by an authenticatable game authorization message AGAM and prize redemption requests by an authenticatable redemption request message ARRM by using a variety of protocols, including: one-way hash functions (also known as compression functions, contraction functions, message digests, fingerprints, cryptographic checksums, data integrity checks (DICs), manipulation detection codes (MDCs), and data authentication codes (DACs)), one-way hash functions with encryption keys (also known as message authentication codes (MACs)), digital signatures, and the like, with an encryption/decryption module in the HTV 20 as described further below. The practice of using cryptographic protocols to ensure the integrity and security of messages is well known in the art and need not be described here in detail. For reference, one of ordinary

skill in the art may refer to BRUCE SCHNEIER, APPLIED CRYPTOGRAPHY, PROTOCOLS, ALGORITHMS, AND SOURCE CODE IN C, (2n Ed, John Wiley & Sons, Inc., 1996). The encryption/decryption module contains algorithms and keys for encrypting, decrypting and/or authenticating messages. Examples of well-known cryptographic authentication protocols with regard to a prize redemption request where the CMC 12 verifies the claimed winnings are as follows:

(10) 1. HTV 20 encrypts outcome/game authorization data with the shared secret key to form an authenticatable redemption request message ARRM" (col 7, line 50-col 8, line 15).

Schneier further discloses outcome and validation messages/codes:

"(109) The present application, in one exemplary embodiment, presents a system for enabling games of chance for prizes on at least one remote game computer, where each game has at least one associated outcome that is predetermined by a central authority with an associated central management computer that authorizes game play on the remote game computer and provides for verification of the at least one outcome after game play by the central authority. The system may generally comprise: at least one game computer including associated memory and processing means for executing at least one program from the associated memory, where the at least one program includes a game program. The processing means execute the game program to enable the player to play at least one game on the game computer upon receipt of outcome and game authorization data pursuant to a purchase request, where the data represent either a single

predetermined outcome or an aggregation of constituent outcomes. The game computer may further include authentication means operatively associated therewith for generating and authenticating authenticatable messages utilizing a variety of cryptographic and other protocols" (col 24, line 55-col 25, line 10).

Schneier further discloses prizes, outcomes, and authorization messages:

"(112) (a) identifying the game computer to the central management computer;

(113) (b) requesting a number of game authorizations from the central management computer;

(114) (c) the central management computer forming an authenticatable game authorization message representing at least one predetermined game outcome;

(115) (d) communicating the authenticatable game authorization message to the game computer after payment authorization for the authorized games by the player; and

(116) (e) the game computer authenticating the authenticatable game authorization message and, if authenticated, allowing the game computer to reveal the at least one predetermined outcome represented in the authenticatable game authorization message. . .

(119) (f) identifying the game computer to the central management computer;

(120) (g) the game computer generating an authenticatable redemption request message representing the at least one predetermined game outcome;

(121) (h) communicating the authenticatable redemption request message to the central management computer through at least one of a temporary direct

electronic connection and a manually input data step; and

(122) (i) the central management computer authenticating the authenticatable redemption request message and verifying outcome data represented therein to outcome data previously transmitted in said authenticatable game authorization message to authorize at least one of a payout of winnings and credit toward additional game authorizations" (col 25, line 30-col 26, line 5).

Schneier further discloses that the merchant can buys tickets:

"(9) In other paper instant ticket systems, there is no central management computer that manages the system from a purchase and redemption standpoint. The lottery retailer simply buys tickets from a printer, resells them to players, and then handles all aspects of validation and payment of winnings" (col 3, lines 27-35).

Schneier further discloses that the user can buy outcomes:

"(2) This outcome may constitute an aggregation of outcomes; the important aspect being that the CMC 12 has a record of the outcomes sold in any purchase transaction for future verification of prizes/winnings, just as with the current practice of selling instant-type lottery tickets. Thus, the player is essentially purchasing outcomes/game authorizations from the CMC 12. These are transferred to the HTV 20 and may be revealed through various games generated thereon. The word "game" as used herein is intended to include the graphic rendition of, for example, an instant scratch-off type lottery ticket on the display screen of the HTV 20 or any other device having an electronic

display" (col 2, lines 5-20).

Schneier further discloses a variety of winnings and incentives and the utilization of retailers:

"(43) Other programs resident in the CMC memory 32 include an accounting routine 72 which calculates and updates the winnings for each HTV 20 in an account 73 associated with memory area 40. The term "winnings" as utilized herein is intended to include money, reward points or some other reward indicator. The accounting routine 72 is used to track the cumulative value of player winnings and losses after the player has cashed-out. The accounting routine 78 enables the CMC 12 to duplicate a player's credit balance at any point in the outcome sequence (col 11, lines 20-32).

(46) In order to provide for tracking player history, data relating to players, including any related bonus award data, may be stored in a player information database 79. In this manner, the managing authority 11 can provide players with loyalty rewards such as free outcomes/game authorizations for total "tickets" purchased or the like (col 11, lines 50-56).

(83) a lottery system which enables predetermined game outcomes to be rendered on an HTV, yet where prize redemption can be implemented at a retailer in the same manner and with the same convenience as instant scratchoff lottery paper tickets (col 23, lines 25-31);

(98) a lottery system which allows for a managing authority to track players and various attributes of their play, such as, for example, play frequency,

betting level, type of games played and the like, to utilize such information to provide various bonus awards and incentives" (col 24, lines 13-20).

Scnheier does not explicitly disclose that the validation code/message can be given as an reward for a user qualifying action such as a purchase.

However, Sullivan discloses the validation code/message can be given as an reward for a user qualifying action such as a purchase (Fig. 9; Fig. 10; Fig. 11; Fig. 13; Fig. 15):

"(83) The lottery pick numbers are compared to the database of obtained codes at step 2050; if there is no match then no benefit is provided to the customer and the lottery ticket is returned to the customer at step 2060. Otherwise, when there is a match, the customer is rewarded for having gone online, entered his or her lottery pick numbers, and shopped at a selected store. Thus, at step 2070, the customer may be refunded the cost of the lottery ticket (e.g., one dollar) upon presenting a lottery ticket with registered lottery pick numbers. The customer may be provided with further benefits to encourage a visit to the store's Web site, e.g., by distributing a code to the customer on a game card or receipt from that purchase transaction which can be entered online as described in sections A-E above, by having a second drawing for those players that entered their lottery pick numbers online, or by offering discounts and gifts for visiting stores that are geographically close to where the lottery ticket was purchased (a traceable factor). Such further benefits may take into account other predetermined criteria such as whether the store has excess inventory to sell, any specials that are in progress or planned, and

the like (col 19, line 55-col 20, linen 10).

(88) The registered code can now be presented at any participating Internet site or dirt-world store to redeem a benefit such as a discount. In this arrangement, the user is presumed to have purchased a lottery ticket based on his or her knowledge of a valid code; even if the user provides a set of lottery pick numbers without having purchased the ticket, the participating Internet sites still benefit from this fraudulent act when that user makes a purchase at their sites. In other words, the "player" was directed to that site to make a purchase and so the marketing campaign was a success. In any event, the player may be required to present a lottery ticket bearing a registered validation code if the benefit is to be redeemed in a dirt-world store" (col 20, lines 30-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Sullivan's validation codes for prizes that act as an incentive for making purchases to Schneier's validation codes and retailer/vendor stores and variety of incentives. One would have been motivated to do this in order to better promote purchasing or activity at a store.

Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a variety of activities of retailer/vendor interest can be promoted. One would have been motivated to do this in order to better promote activities of benefit to retailer/vendors.

Response to Arguments

4. Applicant's arguments with respect to the rejection(s) of claim(s) 139-300 have been fully considered and are not found to be persuasive.

On page 2 of the Applicant's Remarks dated 9/25/2006, Applicant states that the combination of the prior art does not render obvious an unlock code.

Examiner notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner notes that Applicant's claims state minimal features as to the unlock codes. For example, Applicant's claim 139 states that outcome and unlock codes are generated and provided. Hence, the form of or what are unlock codes and outcomes is open to a broad interpretation. Also, the relationship between unlock codes and outcomes is open to a broad interpretation.

And, on page 2 of the Applicant's Remarks, Applicant states that the validation number that is beneath latex cannot be an unlock code. However, in that example, the validation number is an encrypted code or number that has been generated and that is associated with the outcome or winning number. That is, a winning number/outcome is generated. And, an encrypted validation number/unlock code is generated and placed on the ticket beneath latex. Then, the encrypted validation number/unlock code is utilized to access the outcome that was generated.

Also, Schneier gives several examples of different unlock codes and outcomes. Schneier discloses an unlock code/validation number and outcomes (col 1, line 40-col 2, line 10; col 2, line 10-30). Schneier also discloses an unlock code/bar code and outcomes (col 3, lines 10-27). Schenier also discloses an unlock code/sequence variable code and outcomes (col 6, line 52-col 7, line 37). Schenier also discloses an unlock code/authenticatable game authorization mesages code/encrypted codes and outcomes (col 7, line 50-col 8, line 15). Schenier also discloses an unlock code/game authorization codes and outcomes (col 24, line 55-col 25, line 10). Schenier also discloses an unlock code/game authorization codes and outcomes (col 25, lines 30-col 26, line 5). Hence, Schneier discloses several different ways that unlock codes and outcomes can be generated, provided, and associated.

Also, beginning on page 4, Applicant states that several dependent claim features are not rendered obvious by the combination of the prior art.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

And, Examiner notes that it must be presumed that the artisan knows something about the art apart from what the references disclose. In re Jacobv, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The problem cannot be approached on the basis that artisans would only know what they read in references; such artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby. Also, the conclusion of obviousness may be made

from common knowledge and common sense of a person of ordinary skill in the art without any specific hint of suggestion a particular reference. In re Bozek, 416 F.2d 1385, USPQ 545 (CCPA 1969). And, every reference relies to some extent on knowledge or persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F.2d 656, USPQ 12 (CCPA 1977).

And, Schneier (col 9, lines 20-35) and Sullivan (col 21, lines 15-25) further discloses that qualifying actions can be deemed invalid and that there can be an expiration dated/time period associated with a qualifying action.

Schneier discloses more than one possible game solution or more than one possible outcome and more than one possible unlock code/chance (col 4, line 65-col 5, line 5; col 24, lines 55-65; col 26, line 65-col 27, line 5; claim 1; claim 2).

Hence, the combination of the prior art renders obvious the features of the Applicant's claims.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Leason (6,251,017);

b) Mothwurf (20050033642):

"[0013] In order to satisfy the above objects there is provided, in accordance with a first aspect of the invention, a method of promoting a product or a brand in a retail store comprising the steps of analyzing data determined at a point of sale relating to purchases by a customer, e.g. data from a bar-code scanner, to determine whether a customer has purchased a particular product or brand or has purchased products equaling or exceeding a predetermined value and, if this is the case, entitling the customer to participate in a prize/bonus ticket game configured as a game of chance, conducting a game of chance based on a predetermined win table having a specified number of

predetermined winning numbers each associated with a bonus or prize and a further number of no win stops, i.e. numbers which are not winning numbers, and in the case of a win, issuing to the customer a lottery ticket which is a winning ticket associated with the product or product range.

[0014] The invention is thus based on the concept that the promotion of a particular product or brand of products can be made more exciting for the customer and more effective because of enhanced customer interest if the customer is entitled, on purchasing a product or brand, to participate in a game of chance which gives the opportunity for the customer to win a prize, with the validation of prizes taking place via a type of lottery ticket".

c) Eggleston (6061660)(Fig. 11; Fig. 12; and below):

"(88) Referring to FIG. 11, at the step 384 the HTTP server 188 of the host computer 18 also initializes an application program that builds the underlying code for the incentive program. The application program may be programmed in a language for building incentive programs, such as C++. The application program inserts algorithms and generates code to create an incentive program satisfying the parameters entered by the sponsor. The code is a series of statements, such as C++ statements, each statement reflecting the implementation of one of the incentive program parameters defined by the sponsor. For example, a sweepstakes incentive program would include, as a step in the generated code, the generation of a random number, as well as the selection of a winner based on the random number. Once the incentive program is complete, the sponsor may pay for the incentive program by electronic funds transfer, credit card, or the like. Once the payment is confirmed, a file containing the code for the incentive program is transmitted, in the step 388, to the sponsor for downloading on the sponsor's site, whether by electronic mail, an HTTP link, or similar conventional transmission. As with the prepackaged incentive programs bought by the sponsor, the incentive program must be capable of generating a signal indicating that a consumer has won. The "win" signal calls an application program that updates the consumer database 200 to reflect that the consumer has won the prize associated with the incentive program and the application program updates the sponsor database 202 to reflect that the prize associated with the incentive program has been won by the customer. An HTML page is generated for the individual consumer indicating whether a win or loss has occurred and, in the case of a win, identifying the prize and fulfillment option."

d) Grippo (6017032):

"(20) Other means of acquiring tickets for use in playing the present lottery game may be provided, as well. For example, an advertiser, business, or the like may establish a relationship with the operator of the present lottery game in which players may purchase tickets using some collateral other than money, such as purchase receipts, product packaging or labeling (e.g., food wrappers), etc., in accordance with the arrangement between the establishment and the game operator. The game operator collects the appropriate non-monetary collateral from the bettors or players and presents it to the advertising or business establishment, whereupon the establishment reimburses the game operator for the equivalent amount of funds required to purchase the tickets provided for the non-monetary collateral".

e) Katz (5365575) discloses autocancel features:

"(55) The lottery ticket LT on its reverse side is provided with a bar code BC defining a number corresponding to the unique identification number UN which would allow the retailer or the lottery system to verify instant winners when the lottery tickets are redeemed and automatically cancel related information on the data stored in the memory".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10/3/2006